

**BOIES SCHILLER FLEXNER LLP**

David Boies (*pro hac vice*)  
333 Main Street  
Armonk, NY 10504  
(914) 749-8200  
dboies@bsfllp.com

Maxwell V. Pritt (SBN 253155)  
Joshua I. Schiller (SBN 330653)  
Joshua M. Stein (SBN 298856)  
44 Montgomery Street, 41st Floor  
San Francisco, CA 94104  
(415) 293-6800  
mpritt@bsfllp.com  
jischiller@bsfllp.com  
jstein@bsfllp.com

Jesse Panuccio (*pro hac vice*)  
1401 New York Ave, NW  
Washington, DC 20005  
(202) 237-2727  
jpanuccio@bsfllp.com

David L. Simons (*pro hac vice* forthcoming)  
55 Hudson Yards, 20th Floor  
New York, NY 10001  
(914) 749-8200  
dsimons@bsfllp.com

**JOSEPH SAVERI LAW FIRM, LLP**

Joseph R. Saveri (SBN 130064)  
Cadio Zirpoli (SBN 179108)  
Christopher K.L. Young (SBN 318371)  
Holden Benon (SBN 325847)  
Aaron Cera (SBN 351163)  
601 California Street, Suite 1505  
San Francisco, California 94108  
(415) 500-6800  
jsaveri@saverilawfirm.com  
czirpoli@saverilawfirm.com  
cyoung@saverilawfirm.com  
hbenon@saverilawfirm.com  
acera@saverilawfirm.com

Matthew Butterick (SBN 250953)  
1920 Hillhurst Avenue, #406  
Los Angeles, CA 90027  
(323) 968-2632  
mb@buttericklaw.com

**CAFFERTY CLOBES MERIWETHER &  
SPRENGEL LLP**

Bryan L. Clobes (*pro hac vice*)  
135 S. LaSalle Street, Suite 3210  
Chicago, IL 60603  
(312)-782-4880  
bclobes@caffertyclobes.com

*Counsel for Individual and Representative Plaintiffs  
and the Proposed Class. (additional counsel included below)*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

RICHARD KADREY, et al.,

*Individual and Representative Plaintiffs,*

v.

META PLATFORMS, INC.,

*Defendant.*

Case No. 3:23-cv-03417-VC

**ADMINISTRATIVE MOTION TO  
EXPEDITE BRIEFING SCHEDULE AND  
SET HEARING**

Plaintiffs seek expedited briefing and, if the Court believes it would assist the Court, a hearing on the Motion to Amend Case Management Schedule (“Scheduling Motion”). Specifically, Plaintiffs seek an order scheduling the deadline for Defendant Meta Platforms, Inc.’s Response to the Scheduling Motion no later than 3 p.m. pacific time on Wednesday, October 2, 2024; and a hearing on the Scheduling Motion during the Court’s Zoom law and motion calendar at 2 p.m. pacific on Thursday, October 3 (or, alternatively, at the 10 a.m. in-person calendar on October 3).

The Court has explained this case is very “important for the proposed class” of U.S. copyright holders, who stand on the precipice of losing control over, and the economic value of, their intellectual property on a massive scale due to the race to scale AI by companies like Meta. Declaration of Maxwell V. Pritt in Support of Plaintiffs’ Motion to Amend Case Management Schedule (“Pritt Decl.”), Ex. B (9/20 Hr’g Tr.) at 15:12-16. And because AI is rapidly proliferating across every aspect of daily life, this proceeding presents “an important societal issue.” *Id.*

The close of fact discovery under the Court’s initial case management schedule, ECF No. 87, is scheduled for today, September 30, 2024. Plaintiffs have renewed their motion to amend that and other deadlines and seek an expedited schedule and hearing to obtain the Court’s guidance on the scope and timing of additional discovery in this case. As explained in the Scheduling Motion, the Court indicated that it would consider extending the discovery period “with a newly constituted legal team” working for Plaintiffs and an articulation of “what’s missing that is important to the fair use issue at summary judgment.” Pritt Decl., Ex. B at 39:15-22. The Court also directed Defendant “to identify the issues that we need to . . . deal with at summary judgment.” *Id.* at 45:17-23.

Plaintiffs respectfully submit that they will suffer substantial harm and prejudice if the briefing and hearing on the Scheduling Motion are not expedited. Without a sufficient extension of the initial case management deadlines, Plaintiffs will not be able to rectify deficiencies in the record on the issue of fair use and the other many issues that Defendant has now made clear that it intends to raise at summary judgment, contrary to the Court’s (and Plaintiffs’) assumption that

summary judgment proceedings were limited to the fair-use issue. *Id.* ¶ 5. The nature of the harm and underlying dispute are further addressed in the Scheduling Motion. Without the relief Plaintiffs request, Plaintiffs and its added counsel at Boies Schiller Flexner LLP will lack a forum to obtain the Court's guidance on proceeding expeditiously with additional fact and expert discovery, and the Court will lack a forum to speak directly to the parties concerning the scope of summary judgment. *See* L.R. 6-3(d) (no automatic hearing associated with administrative motion to change time). This Court, of course, retains its inherent authority to decide the Scheduling Motion without a hearing (and without waiting for a response from Meta, which already briefed Plaintiffs' previous motion for an extension and stated its position at the September 20, 2024 hearing on that motion), and if the Court grants the Motion then the relief requested herein would be moot.

The parties met and conferred concerning a potentially expedited deadline for Defendant's Response to the Scheduling Motion and scheduling of a hearing on that motion. *See* Pritt Decl. ¶ 13. But no agreement was reached before the filing of the Scheduling Motion or this motion. *See id.*, Ex. C.

There have been no other time modifications in the case, whether by stipulation or Court order, except a 14-day extension for purpose of taking depositions that could not be scheduled before the September 30, 2024, discovery cut-off under the initial case management schedule. *Id.* ¶ 3. Further, ordering an expedited briefing and hearing schedule will have no undesirable effect on the case schedule as it will only hasten clarification of the scope and timing of the remaining deadlines.

For the foregoing reasons, Plaintiffs request the court schedule the deadline for Defendant's Response to the Scheduling Motion no later than 3 p.m. pacific on Wednesday, October 2, and schedule a hearing, if any, on the motion for the Court's scheduled Zoom civil law and motion calendar at 2 p.m. pacific on Thursday, October 3 (or, alternatively, the Court's in-person calendar at 10 a.m. on October 3).

Dated: September 30, 2024

Respectfully submitted,  
**BOIES SCHILLER FLEXNER LLP**

/s/ Maxwell V. Pritt

**JOSEPH SAVERI LAW FIRM, LLP**

Joseph R. Saveri (SBN 130064)  
Cadio Zirpoli (SBN 179108)  
Christopher K.L. Young (SBN 318371)  
Holden Benon (SBN 325847)  
Aaron Cera (SBN 351163)  
601 California Street, Suite 1505  
San Francisco, California 94108  
(415) 500-6800  
jsaveri@saverilawfirm.com  
czirpoli@saverilawfirm.com  
cyoung@saverilawfirm.com  
hbenon@saverilawfirm.com  
acera@saverilawfirm.com

Matthew Butterick (SBN 250953)  
1920 Hillhurst Avenue, #406  
Los Angeles, CA 90027  
(323) 968-2632  
mb@buttericklaw.com

**CAFFERTY CLOBES MERIWETHER &  
SPRENGEL LLP**

Bryan L. Clobes (*pro hac vice*)  
135 S. LaSalle Street, Suite 3210  
Chicago, IL 60603  
(312)-782-4880  
bclobes@caffertyclobes.com

**DICELLO LEVITT**

Amy Keller (*pro hac vice*)  
(312) 214-7900  
akeller@dicellolevitt.com  
10 North Dearborn Street, Sixth Floor  
Chicago, Illinois 60602

David Boies (*pro hac vice*)  
333 Main Street  
Armonk, NY 10504  
(914) 749-8200  
dboies@bsfllp.com

Maxwell V. Pritt (SBN 253155)  
Joshua I. Schiller (SBN 330653)  
Joshua M. Stein (SBN 298856)  
44 Montgomery Street, 41st Floor  
San Francisco, CA 94104  
(415) 293-6800  
mpritt@bsfllp.com  
jischiller@bsfllp.com  
jstein@bsfllp.com

Jesse Panuccio (*pro hac vice*)  
1401 New York Ave, NW  
Washington, DC 20005  
(202) 237-2727  
jpanuccio@bsfllp.com

David L. Simons (*pro hac vice* forthcoming)  
55 Hudson Yards, 20th Floor  
New York, NY 10001  
(914) 749-8200  
dsimons@bsfllp.com

*Counsel for Individual and Representative Plaintiffs and the Proposed Class*